CASE

OF THE

PETITIONERS againſt Parts of the *Derby* Paving and Lighting Bill.

THIS Bill contains a Clauſe for ſelling a certain Piece of Waſte Land within the Borough of Derby, called NUN'S GREEN, towards defraying the Expence of the intended Improvements.

The Perſons having Common Right upon Nun's Green, are the Freeholders, Owners and Occupiers of Meſſuages, Lands, and Tenements, and Burgeſſes, within the ſaid Borough.

The Objections to the Sale of Nun's Green are upon Two Grounds.

Firſt. Becauſe it is propoſed to apply the Produce of the Sale, not for the excluſive Benefit of the Perſons whoſe Rights of Common are to be taken away, but in Aid of a Rate which would otherwiſe be wholly charged upon the Houſes within the Borough, and which Rate would affect only a ſmall Part of the Commoners; and becauſe no Compenſation is offered, or can be made, by the propoſed Improvements and Application of the Produce of the Sale, to a great Number of Perſons having Right of Common upon Nun's Green.

For theſe Reaſons it is thought that the intended Bill is (ſo far as relates to Nun's Green) a Bill for the Sale of an Eſtate, againſt the Intereſt of thoſe to whom it now belongs, and cannot be defended upon the Principles of an Incloſure Bill.

Second. By the Act of the 8th of His preſent Majeſty a Power was given to certain Truſtees to ſell a Part of Nun's Green, and to apply the Money ariſing from ſuch Sale to the Improvement of the Remainder of it, as the ſaid Act directs.

In

In Conſequence of this Act, a certain Portion of the ſaid Green was ſold in Lots to ſeveral of the Petitioners, or thoſe under whom they claim; who, in purſuance of the Contracts entered into with the Truſtees, and under the expreſs Proviſion of the Act, have erected and finiſhed Houſes and other Buildings of conſiderable Value. Theſe Purchaſors were induced to give high Prices for the ſaid Lots of Ground, and to erect the ſaid Houſes and Buildings, upon the Faith of the Proviſions of the ſaid Act, by which the remaining Part of Nun's Green was to remain a Common, and divers Proviſions for improving and ornamenting the ſame were made for the Encouragement of Purchaſors, which have been fulfilled and executed, to the Satisfaction of the Purchaſors, with the Money obtained from them.

Should this Bill paſs, the Property of the Petitioners laſt above mentioned will be greatly depreciated in Value, as the Remainder of Nun's Green might be applied by the Purchaſors under the Act to a Variety of Buildings, Workhouſes, or Manufactories, highly inconvenient and offenſive to the Purchaſors under the former Act, whereby the principal Inducement of theſe Petitioners, in becoming Purchaſors of the ſaid Lots of Ground, ſold under the former Act, and enſured to them by the Proviſions therein contained, will be defeated.

The intended Bill contains a Clauſe for raiſing the Money neceſſary for carrying the propoſed Improvements into Effect by an Annual Rate to be levied upon the Occupiers of *Dwelling Houſes rated to the Houſe Tax*. This Mode is objectionable and partial; becauſe, if purſued, all Mills, Malt-houſes, Warehouſes, the Aſſembly Room, Play-houſe, Coach-houſes, and many other Buildings in the Town, of a large Annual Amount, which would be improved by the intended Paving and Lighting, would be wholly exempted from Contribution, the Occupation and Uſe of which will be much benefited; and will alſo do more Injury to the Pavement than any other Species of Property which is made liable by this Act.

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1792.